

**RANCHO PALOS VERDES CITY COUNCIL
AGENDA REPORT**

MEETING DATE: 12/20/2016
AGENDA HEADING: Regular Business

AGENDA DESCRIPTION:

Consideration and possible action to authorize a Neighborhood Public Safety Monitoring Program.

RECOMMENDED COUNCIL ACTION:

- (1) Authorize Staff to move forward with the terms of the Grant Program for Homeowner Association Safety Improvements and appropriate \$200,000 for the grants;
- (2) Authorize amendments to Council Policy No. 31 to exempt Homeowner Association Cameras from the Policy;
- (3) Authorize an incentive of \$100,000 for selected Ring camera products;
- (4) Authorize the Mayor to sign an agreement, in a form approved by the City Attorney, with Bot Home Automation DBA Ring for reimbursement of the City's incentive for residents;
- (5) Authorize Automated License Plate Recognition (ALPR) cameras for the *Eastview* neighborhoods along Western Avenue; and,
- (6) Direct Staff to return to the City Council with an estimated cost for Western Avenue infrastructure and an agreement with Vigilant Solutions, the ALPR vendor.

FISCAL IMPACT: \$660,000

Amount Budgeted: \$0
Additional Appropriation: \$660,000 (estimated \$200,000 for HOA Grant Program + \$100,000 for Doorbell Camera Incentive + \$360,000 for ALPR Cameras); request for ALPR Infrastructure funding to be brought before City Council at a later date.
Account Number(s): 101-1024-421-61-00 *in*

ORIGINATED BY: Dan Landon, IT Manager *DL*
Gabriella Yap, Deputy City Manager *gy*
REVIEWED BY: Same as above
APPROVED BY: Doug Willmore, City Manager *W*

ATTACHMENTS:

- A. Amended City Council Policy No. 31 regarding Encroachments in the Right-of-Way (page A-1)
- B. Redline version of Amendments to Council Policy No. 31 (page B-1)
- C. RFI Response from Obsidian Integration (page C-1)
- D. Samples of Ring Products and Summary of Ring camera offer (page D-1)
- E. Western Avenue Proposed Camera Locations (page E-1)

BACKGROUND AND DISCUSSION:

As part of the updated Public Safety Strategic Plan adopted in April 2016 (http://rpv.granicus.com/MetaViewer.php?view_id=5&clip_id=2507&meta_id=24694), one of the solutions the City continues to work toward is a program to assist homeowners' association (HOA) groups with security cameras at the entrances to their neighborhoods. In addition to the plan, the City Council approved placing cameras in *Eastview* neighborhoods adjacent to Western Avenue to increase public safety.

A Request for Information (RFI) was released to the public on November 4, 2016, and ten (10) responses were received by the closing deadline on November 19, 2016. After review of all proposals by a team of Staff and the Sheriff's Department, four (4) proposals were selected that most closely fit the City's specifications. In order to provide a clear comparison between the systems, the four (4) finalists were asked to submit answers to standardized questions. Those questions were to provide: 1) a system diagram, 2) pictures of the proposed installed systems, 3) specifics about warranty, service and maintenance, and 4) a uniform price sheet.

It was the intent of the City's RFI to provide community groups with a pre-bid system option that is both cost-effective and robust. Capabilities include:

- Video quality standards
- Low light recording
- 2 week video retention
- IP66 weatherproof standards
- 3-year warranty
- Monitoring and maintenance
- Access for law enforcement to review video

Systems meeting these quality, technical and maintenance standards are more expensive than the residential type systems on the market, and the price reflects the higher quality and maintenance standards.

One system (from Obsidian Integration) met all required capabilities (Attachment C). Equipment cost for the Obsidian camera system is \$7,497 (including tax). Obsidian charges \$3,000 per day for installation and can install 3 to 5 systems per day (actual installation could vary from \$600 to \$3,000 depending on the number of installations completed in a given day). All quality and installation standards were reviewed by the Sheriff's Department, and they meet required standards for quality and video system access.

The system has a 3-year warranty and is remotely monitored through a cellular connection. Most problems can be diagnosed and repaired remotely, but some issues might require an onsite visit at a cost of \$1,500 per occurrence (may require multiple days to repair). A 5-year warranty was originally requested, but that was found cost prohibitive as the cost of the extended warranty was equal to the price of purchasing a

new system. The cost of a three (3) year warranty was considerably less expensive. The cost of installation will vary by location, but costs not included are the installation of a mounting pole, electrical service, and ongoing cell service for real-time monitoring. The installation of a pole typically costs between \$1,000 and \$1,800. Electrical installation costs vary considerably because of the wide array of location specific configurations.

Grants for Homeowner Safety Improvements Program

Staff is proposing the following grant terms and structure for the City Council's consideration to assist HOAs in making their neighborhoods safer through security cameras.

Use/Purpose: In creating the Public Safety Strategic Plan, technology like cameras was identified as an area that is extremely useful in the Sheriff's crime prevention and crime-solving efforts. Staff heard from some HOAs that there were various challenges with placing security cameras at the entrances to their neighborhoods, namely cost, difficulty in finding a location near the entrance not in the right-of-way (ROW), and lack of individuals willing to manage the procurement process and the responsibility of the footage. In response, Staff proposed seeking ways to streamline the process for public safety monitoring, by creating an easier process for an HOA to install cameras.

Eligibility for Program: All formal HOA organizations in Rancho Palos Verdes would be eligible for the program. The HOA would vest authority with a representative or group of representatives through Board Actions to act on behalf of the organization. The representative(s) would bring minutes or some other proof that they are authorized to make decisions on camera location, installation, and cost, and also handle the reimbursement of grant funds by the City.

Policy: In order to simplify the process and make obtaining a camera easier for HOAs, Staff identified the following policy areas that could be addressed to speed up the process:

- Amending City Council Policy No. 31 regarding encroachments in the public right-of-way (Attachments A and B) to allow for encroachment by a private party for the purpose of an HOA-owned security camera. This would also create an exemption for cameras used for general public safety from height restrictions for walls and pilasters.
- Processing a single, Master Coastal Permit to cover the entire coastal zone, creating the ability for any HOA in the coastal zone to participate and avoid having individual neighborhoods apply for permits at different points in time. This permit would be considered at the Director's-review level, and would only be heard by the Planning Commission (or higher decision-making authority on appeal).
- Waiving permit fees for HOAs who would like to participate.

Infrastructure and Camera Placement: If cameras will be placed in the ROW, the Public Works, Community Development, and Sheriff's Departments will first assess the site to ensure no traffic, safety, liability, view or privacy issues are encountered. They will also help the HOA determine if any work would need to be done to prepare the selected site and where power for the equipment would be drawn from. HOAs would be responsible for the cost of all site improvement work including electric meter service if required by Southern California Edison. A no-fee encroachment permit, issued by the Public Works Department, will be secured for each camera placed in the ROW.

Ownership/Maintenance: The HOA would own the camera and be responsible for paying for ongoing monthly costs and maintenance and the removal of all camera installation improvements from the public right-of-way when the camera is no longer needed. The RFI specifies that maintenance should be done by the security company as they are qualified to perform work on the equipment.

Access to Information: While the HOAs would own the system and control the information, the City would encourage that the access be limited to the Sheriff's Department, that footage not be used for residents' personal purposes, and that the acceptable uses be stipulated and agreed upon through HOA action and minutes. Setting these boundaries would help to address many privacy concerns or the possibility that the footage could be misused by anyone other than the City's law enforcement. Without this, residents may want to request to see footage of their family (e.g., in civil or family legal matters, etc.) or could request to see footage of another resident.

Grant funds: In addition to waiving permit fees, the City could choose to provide a grant. Staff recommends that the City provide a match of \$3,750, or 50% of the cost of each camera, so long as the HOA chooses to use the selected vendor. The budget for the entire grant program is proposed to be \$200,000. Any HOA, or course, could choose any vendor that they wanted, but they would not be eligible for the grant and could not place the camera in the ROW if they choose a different vendor. Our goal is to standardize the terms and arrangements as much as possible to make it as easy as possible for the Sheriff to access needed data and for the City to assist in any needed installation arrangements in the ROW. Any ongoing costs, infrastructure costs, service calls, or other related costs would be the responsibility of the HOA.

Eligibility for Grant funds: As stated previously, while HOAs are certainly free to choose an alternate camera system, Staff recommends that the City only provide grants to those who choose the system selected by the City to ensure that the consistency and quality of the equipment and footage is sufficient to be useful for the Sheriff's investigative purposes. In addition, the RFI released by Staff required continual monitoring that the equipment was working by the vendor and increased warranty length.

Signage: There is no regulation on surveillance signage and the City will continue to allow these signs in the ROW.



Additional Options – Ring Doorbell Camera or Stick-Up Camera

In looking at alternative options for neighborhoods where a camera may not be viable, or no HOA has formed, Staff and the Sheriff's Department have negotiated a subsidy with Bot Home Automation DBA Ring (Ring), to provide homes in Rancho Palos Verdes with a discount on a doorbell camera or a stick-up camera, which are regularly \$199 each (Attachment D). The doorbell camera has intercom capability enabling a resident to respond audibly through their smartphone. Stick-up cameras are typically used near other points of entry like side gates, back doors, or sliding doors, and do not have intercom ability. Ring will provide a \$50 subsidy on their doorbell camera and stick-up cameras, with no limit. Staff is recommending that the City add an additional incentive of \$50 for one product per residence, bringing the cost down to \$99, up to a total cap on the Ring program of \$100,000. Staff's recommendation to limit it to one (1) per household is to get more residents to install a monitoring device. For \$100,000 in incentives, this means that potentially 2,000 homes in the City could receive the City incentive on top of the Ring subsidy.

Residents would be able to order on the company's website, www.ring.com, and the product would ship shortly thereafter. Ring will use a code based on the customers' ZIP code to purchase a device. Ring will subsidize the entire \$100 discount so residents don't have to deal with going to the City for an additional discount. Ring will then invoice the City at the end of the program with a full breakdown of every resident and address that purchased a device to recoup the additional \$50 discounted for the City.

For installation, residents have the option of installing the equipment themselves or hiring someone to install the equipment for them. Ring offers installation by a third-party nationwide installer at cost (\$59/product and \$35/each additional product). Solar panels are an additional option that can be paired with stick-up cameras to eliminate the need for wiring or to recharge batteries. If ordered together, the solar panel installation would be included with stick-up camera installation.

Eastview/Western Avenue Cameras

The City has implemented Automated License Plate Recognition (ALPR) cameras at select, highly-trafficked points throughout the Peninsula in collaboration with our other neighboring cities. Given the high number of ingress and egress points in the City neighborhoods along Western Avenue, including these locations with the regional project was not deemed viable for the Western Avenue locations for several reasons. First, because there were so many access points along Western Ave, the cost would have been significantly higher for all four cities in the initial agreement. And, second, for these neighborhoods and access points, it was thought that we could get good results with a much less expensive solution, i.e., security cameras. Staff proposed that security cameras, which are about half the cost of ALPR cameras, could be used in assisting the Sheriff's Department in identifying key evidence and clues when a crime had been committed in those neighborhoods. The City Council, placing a high priority on public

safety for the *Eastview* area as well, committed to fully funding security cameras in those neighborhoods as a solution. In light of new information regarding privacy, retention, and bandwidth, Staff recommends that the City Council fund ALPR cameras for these locations rather than security cameras.

Public Records and Privacy Concerns: Staff was in the process of using the RFI to narrow the field for the City in terms of what cameras would be suitable for Western Avenue. However, in researching this issue with the City Attorney's office and with LASD, it appears that the footage captured by the surveillance cameras along Western Avenue would belong to the City, making it subject to the California Public Records Act (PRA) and to discovery requests. This could create significant privacy issues for residents in that anyone could request footage from these cameras, unless it is related to an investigation.

Surveillance cameras differ from ALPR cameras in terms of exemption from PRA requests. Trial and appellate courts have ruled that all ALPR data is exempt because the automated process of scanning license plates and checking them against law enforcement-generated "hot-lists" is inherently investigatory in nature. The courts have concluded that the harm to law enforcement investigations from disclosing ALPR data outweighs the value to the public of seeing what data police collect on them. The footage from security cameras has not been deemed to be investigatory in nature, rather it is just data. Thus, it is subject to PRA's, whereas ALPR data is not.

Records Retention and Bandwidth: In addition, the City, as part of its records retention obligations, would be required to retain surveillance video for a minimum of 12 months. This is an incredible amount of data that would have to be stored. The security systems identified in the RFI store the data locally and rewrite over the current footage after a period of time, typically two weeks or 30 days. Without fiber optic cabling or a good tower-to-tower connection from Western Avenue to the City's servers, there is no way to transmit that amount of data. This creates liability issues for the City, which would be responsible for retaining and producing 12 months' worth of data.

Western Avenue Recommendation: While the cost is significantly higher, with this information Staff recommends that the City Council fund ALPR cameras for the neighborhoods along Western Avenue. There are twelve ingress and egress points, so at an estimated cost of \$15,000 per camera, the equipment, without infrastructure costs, is expected to be roughly \$360,000.

Since the first installed ALPR cameras became operational on August 25, 2016, Lomita Station deputies have been very successful in utilizing the system to locate and arrest car thieves, as well as solve other crimes. To date, the number of plates scanned is in the millions. Lomita Station deputies have responded to 18 stolen vehicle alerts, of which they located 12 of the stolen vehicles and arrested 15 occupants. In addition, there have been 3 arrests for warrants, 1 vehicle associated with a robbery from another agency stopped, and 1 missing person located. Our investigators have

successfully utilized the database to solve 3 burglaries, 2 unrelated stolen vehicle investigations, and multiple arrests were made related to a large shoplifting ring.

Staff has been working with the City of Los Angeles (LA City) and Los Angeles Department of Water and Power (LADWP) regarding the possibility of placing the cameras on their poles. In Attachment E, the blue dots represent the proposed ingress and egress points Staff is inquiring about, and the red dots are existing ALPR cameras. The ability to mount cameras on their poles would be the fastest and most cost-efficient if the organizations could come to an agreement on infrastructure like poles and power. Staff is requesting to quickly return to the City Council with a report back on the progress with LA City and LADWP, as well as with the estimated infrastructure costs for the Western Avenue sites if the City were to prepare the sites.

ALTERNATIVES:

In addition to the Staff recommendation, the following alternative actions are available for the City Council's consideration:

1. Offer to fully fund HOA cameras for any *Eastview* neighborhoods as long as they own the system.
2. Create a larger incentive for *Eastview* neighborhoods with no HOA to fully fund a Ring doorbell camera or stick-up camera for residents (residents would be required to have Wi-Fi and a smartphone).
3. Direct Staff to take other action.

CITY COUNCIL POLICY

NUMBER: 31

DATE ADOPTED/AMENDED: 04/16/96 (Amended 01/21/97, 04/18/00, and 12/20/16)

SUBJECT: Encroachments into the Public Right-of-Way

POLICY:

It shall be the policy of the City Council to follow the procedures outlined in the attached Policy Statement for encroachments in the public right-of-way, as adopted on April 16, 1996, revised on January 21, 1997, April 18, 2000, and December 20, 2016.

BACKGROUND:

On April 19, 1996, the City Council reviewed and approved an update of the City policy pertaining to encroachments of structures in the public right-of-way. The changes consisted of augmentation of the then current policy which was approved by the City Council on May 15, 1984, with language pertaining to the encroachment of tract entrance observation structures into the public right-of-way. The City Council has directed that this policy relating to encroachments into the public right-of-way be placed into the City Council Policy Manual.

Amendments were made on April 18, 2000 to streamline the review process for certain types of encroachments into the right-of-way especially for unpermitted structure for which legalization is sought.

Amendments were made on December 20, 2016, to exempt security cameras owned by Homeowner Associations for public safety purposes provided that the location was approved by the Public Works and Community Development Departments.

Attachment: April 16, 1996 Policy Statement for Encroachments into the Public Right-of-Way (Revised January 21, 1997, April 18, 2000, and December 20, 2016)

**POLICY STATEMENT FOR
IN THE PUBLIC RIGHT-OF-WAY
ADOPTED APRIL 16, 1996 AND
REVISED ON DECEMBER 20,
2016.**

The City Council approved this policy at its April 16, 1996, meeting, and amended it on January 21, 1997, April 18, 2000, and December 20, 2016. It should be noted that this policy replaces and supersedes the one adopted by the City Council on May 15, 1984.

The City may permit encroachments of walls, fences, pilasters, and/or observation booths, or similar structures on an individual basis, based on the following criteria:

I. FENCES, WALLS, PILASTERS, AND OTHER SIMILAR STRUCTURES IN THE RIGHT-OF-WAY

- 1) All requests for construction of fences, walls, pilasters, and other similar structures in the public right-of-way shall be submitted to the Community Development Department, and shall include the following materials.
 - a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.
 - b) A processing fee as established by resolution of the City Council.
 - c) Twelve (12) copies of plans which clearly show the following:
 - i) A site plan which shows the accurate lot dimensions, property lines, location and dimension of the adjacent public right-of-way, and the location of all easements, if applicable.
 - ii) A site plan indicating the location and dimensions of all existing and/or proposed encroaching walls and/or fences, as well as the distance of all existing and/or proposed encroachments from the adjacent property lines.
 - iii) Section and/or elevation drawings representing the total height of the proposed project, as measured from both the highest and lowest existing adjacent grade.
 - d) Documentation to the satisfaction of the Director of Public Works, that demonstrates the location of the structure relative to the edge of the public right-of-way.
- 2) Fences, walls, pilasters, and other similar structures which meet the following criteria shall be subject to review and approval by the Director of Community Development:
 - a) The encroachment is located no more than six feet (6') within the public right-of-way (Note that it is the applicant's responsibility to demonstrate the location of the structure to the Director of Public Works' satisfaction, which may entail preparation of a survey for some projects);

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- b) The base of the encroachment, for each individual pilaster or similar structure, does not exceed two (2) square feet with no single dimension exceeding 24 inches;
- c) The height of the encroachment does not exceed 72 inches including any decorative features and the main structure (excluding decorative features) does not exceed sixty inches (60"), unless it is within a visibility triangle as determined by the Director of Public Works in which case the overall height including any decorative features may not exceed 30 inches;
 - i) If the decorative features are lanterns or some other kind of light source, then the property owner must demonstrate that adequate screening is provided to ensure that there is no direct or indirect illumination of another property other than where the light source is located, that there is no adverse traffic/pedestrian impact, and that all conditions of residential outdoor lighting pursuant to Municipal Code Section 17.56.030 are met.

The Director's decision shall be appealable pursuant to the Appeal procedures of section 17.80 of the Rancho Palos Verdes Municipal Code.

- 3) Fences, walls, pilasters, and other similar structures which meet the following criteria shall be subject to review and approval by the Planning Commission:
 - a) Encroachments of structures more than six feet (6') into the public right-of-way (Note that it is the applicant's responsibility to demonstrate the location of the structure to the Director of Public Works' satisfaction which may entail preparation of a survey for some projects);
 - b) Encroachments of structures, such as pilasters and other similar structures, having a base that exceeds 24" in width or exceeds 2 square feet in footprint area;
 - c) Encroachments serving as bases for decorative features with a combined height that is greater than 72", or a base which exceeds sixty inches (60") exclusive of decorative features.
 - d) Encroachments serving as bases for decorative features (i.e. statuary) that are more than 60" in height, and/or the combined height of a decorative feature and its base that is greater than 72".
 - e) Encroachments of structures with decorative features measuring more than 18" in height;

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f) Encroachments of structures (including decorative features) or decorative feature/base combinations measuring greater than 30" in height within a visibility triangle.

The Planning Commission may refer a request to the Traffic Committee for recommendation, if traffic safety is involved. The Planning Commission may grant the encroachment, subject to the conditions stated below in Section 5, and any other conditions which the Commission may impose, or deny the encroachment if it fails to meet the criteria stated below in Sections 3 and 4. The Planning Commission decision may be appealed to the City Council, pursuant to the appeal procedures of section 17.80 of the Rancho Palos Verdes Municipal Code.

- 4) In granting an Encroachment Permit for fences and/or walls, the Director of Planning, Building and Code Enforcement or the Planning Commission must find the following:
 - a) The encroachment is not detrimental to the public health/safety, and that the Public Works Director has made a written determination that the encroachment does not pose a hazard to vehicular traffic, pedestrians, or equestrians; and further that all other requirements for issuance of a Public Works Department encroachment permit are met. The Community Development Department review shall be concurrent with the Public Works Department review to the greatest degree possible.
 - b) The encroaching structure cannot be reconfigured or relocated due to practical difficulties or unnecessary hardship, including economic hardship, so as to either:
 - i) locate the structure on the applicant's property in accordance with provisions of the Municipal Code; or,
 - ii) adhere to the criteria set forth for a Planning Director Level Review .
 - c) The encroaching structure is not inconsistent with the general intent of the Development Code.
 - d) Illuminating elements of the encroaching structure are configured in a manner that minimizes impact to neighboring properties or vehicular traffic, and prevents direct or indirect illumination of a property other than the applicant's, as determined by the Director of Community Development.
 - e) The encroaching structure does not significantly impair a protected view from any surrounding property.

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- 5) Approval of an Encroachment Permit for a fence and/or wall shall be subject to the following conditions, and any other appropriate conditions necessary to protect the public health, safety, and welfare:
- a) Prior to construction of the fence and/or wall, the owner shall submit to the City an "Indemnification and Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
 - b) Prior to construction of the fence and/or wall, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within ten (10) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.
 - c) Prior to construction of the fence and/or wall, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
 - d) The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
 - e) Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e., underlying right-of-way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of-way.
 - f) The applicant shall comply with all recommendations and requirements, if any, required by the City's Planning Commission, Traffic Committee, or Traffic Engineer.

II. OBSERVATION BOOTHS AND SIMILAR STRUCTURES WITHIN THE PUBLIC RIGHT-OF-WAY

- 1) All requests for construction of observation booths or similar structures within the public right-of-way are to be submitted to the Community Development Department, and shall include the following materials.
- a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.

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- b) Any application for construction of an observation booth or similar structure, shall first be approved by the local Homeowners Association, if any, in accordance with the recorded CC & R's for the Homeowners Association.
- c) The applicant shall be responsible for all costs associated with the application. A minimum Trust Deposit of \$1,000.00 shall be established to cover costs associated with the application. Additional deposits may be required if the costs for processing the application exceed the minimum required deposit.
- d) Twelve (12) copies of plans which clearly show the following:
 - i) A site plan which shows the accurate lot dimensions, property lines, location and dimension of the adjacent public right-of-way, and the location of all easements, if applicable.
 - ii) A site plan indicating the location and dimensions of all existing and/or proposed observation booths or similar structures, as well as the distance of all existing and/or proposed encroachments from the adjacent property lines.
 - iii) Section and/or elevation drawings representing the total height of the proposed project, as measured from both the highest and lowest existing adjacent grades.
- e) Two copies of a "vicinity map", prepared to scale, which shows all properties located within the tract for which the proposed observation booth will serve, as well as all properties located within 500 feet of the tract boundaries. All lots shown on the "vicinity map" shall be numbered consecutively, beginning with the number "one". The "vicinity map" must be prepared exactly as described in the attached instruction sheet.
- f) Two (2) sets of self-adhesive mailing labels and one (1) photocopy of the labels which list the property owner of each parcel which falls within the boundaries shown on the "vicinity map". The name and address of every property owner (including the applicant) and the local Homeowners Association (if any), must be typed on 8-1/2 X 11 sheets of self-adhesive labels (33 labels per sheet). The labels shall be keyed to the consecutive numbers shown on the "vicinity map" as described above. The property owners mailing list must be prepared exactly as described in the attached instruction sheet.

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- 2) All requests shall be subject to review first by the Traffic Committee and then by the Planning Commission. Upon a favorable recommendation by the Traffic Committee, the Planning Commission shall grant the encroachment, subject to the conditions stated below in Section 16, or deny the encroachment if it fails to meet the criteria stated below in Sections 3 through 15, inclusive. The Planning Commission decision may be appealed to the City Council, within fifteen (15) calendar days following the Commission's decision.
- 3) In granting an Encroachment Permit for an observation booth or similar structure, the Planning Commission must find that each of the following conditions exist:
 - a) The encroachment is in the best interest of the City.
 - b) The encroachment is not detrimental to the public health and safety.
 - c) There is no alternative location on private property to accommodate the proposed improvements without encroaching into the City's right-of-way.
 - d) The encroachment has been designed in the safest manner possible.
 - e) The encroachment does not significantly impair the view from the viewing area of any private property as defined in the City's Development Code, nor from an area designated by the General Plan or Coastal Specific Plan to be protected.
- 4) The maximum height limit of observation booths or similar structures located within the public right-of-way shall not exceed twelve (12) feet.
- 5) The observation booth or similar structure shall not exceed a maximum of 120 square feet in area.
- 6) For structures which are attended by an operator, restroom facilities shall be provided within the observation booth.
- 7) All necessary utilities (i.e., cable, electric) shall be located underground.
- 8) All minimum sight distances and turning radii shall be maintained, subject to review and approval by the City's Traffic Committee and engineering consultant.
- 9) All observation booths or similar structures shall be located on a separate, curbed, and landscaped median.

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- 10) No portion of any eave and/or overhang shall extend beyond the edge of the curb of the landscape median, or into any travel lanes. The structure shall be designed to maintain appropriate lateral and overhead clearance to ensure that large and/or high profile vehicles or trucks will not hit the overhangs on the building.
- 11) Protective bollards shall be installed at each corner of the structure to reduce the potential for accidental damage caused by vehicles.
- 12) The observation booth or similar structure shall be compatible with the character and architectural styles of surrounding residences.
- 13) Directional signage only shall be permitted in association with construction of the observation booth or similar structure. Installation of any signs shall be subject to separate review and approval of a Sign Permit. Installation of signs with changeable copy intended to provide general information regarding upcoming events, meetings, etc., shall not be permitted within the public right-of-way.
- 14) Any proposed exterior lighting shall be located on the facade of the building, at a maximum height of ten (10) feet. All exterior lighting shall be shielded and directed downwards to prevent direct illumination of or towards surrounding properties.
- 15) Ingress/Egress vehicle lanes shall be a minimum of eighteen (18) feet wide at the Observation Booth to allow vehicles to pass a stopped vehicle. Wider travel lanes may be required at the discretion of the City.
- 16) Approval of an Encroachment Permit shall be subject to the following conditions:
 - a) The applicant shall comply with all recommendations and requirements, if any, required by the City's Planning Commission, Traffic Committee, or Traffic Engineer.
 - b) Prior to construction of the observation booth or similar structure, the owner shall submit to the City a "Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
 - c) Prior to construction of the observation booth or similar structure, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within sixty (60) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge

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that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.

- d) Prior to construction of the observation booth or similar structure, the owner shall obtain a minimum of one million (1,000,000) dollars liability insurance, naming the City as an additional insured, subject to review and acceptance by the City Attorney. Proof of said insurance shall be provided to the City annually.
- e) Prior to construction of the observation booth or similar structure, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
- f) The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
- g) Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e., underlying right-of-way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of-way.
- h) No person and/or vehicle shall be required to present identification nor otherwise be restricted, prohibited, or denied access to any public right-of-way, including but not limited to streets, sidewalks, parks, and/or public trails as a result of construction of any attended or unattended observation booth or similar structure.
- i) Prior to construction of the encroachment, the owner and/or applicant shall submit to the City a Covenant agreeing to assume all responsibility for maintenance and upkeep of the structure.

III. HOMEOWNER ASSOCIATION SECURITY CAMERAS IN THE RIGHT-OF-WAY

- 1) All requests for construction of homeowner association security cameras in the public right-of-way shall be submitted to the Community Development Department, and shall include the following materials.

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- a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.
 - b) Documentation to the satisfaction of the Director of Public Works, that demonstrates the location of the structure relative to the edge of the public right- of-way.
 - c) All fees associated with an encroachment permit for homeowner association security cameras shall be waived.
- 2) The Public Works, Community Development, and Sheriff's Departments will meet with the applicant to evaluate possible locations.
 - 3) Security cameras owned by Homeowner Associations shall be exempted from the base size and height limitations described elsewhere in this Policy with the approval of the Director of Public Works and the Director of Community Development.
 - 4) In granting an Encroachment Permit for homeowner association security cameras, the Director of Community Development must find the following:
 - a. The encroachment is not detrimental to the public health/safety, and that the Public Works Director has made a written determination that the encroachment does not pose a hazard to vehicular traffic, pedestrians, or equestrians; and further that all other requirements for issuance of a Public Works Department encroachment permit are met. The Community Development Department review shall be concurrent with the Public Works Department review to the greatest degree possible.
 - b. The encroaching structure cannot be reconfigured or relocated due to practical difficulties or unnecessary hardship, including economic hardship, so as to either:
 - i. locate the structure on the applicant's property in accordance with provisions of the Municipal Code; or,
 - ii. adhere to the criteria set forth for a Planning Director Level Review .
 - c. The encroaching structure is not inconsistent with the general intent of the Development Code.
 - d. Illuminating elements of the encroaching structure are configured in a manner that minimizes impact to neighboring properties or vehicular traffic, and prevents direct or indirect illumination of a property other than the applicant's, as determined by the Director of Community Development.
 - e. The encroaching structure does not significantly impair a protected view from any surrounding property.

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Revised: December 20, 2016

- 5) Approval of an Encroachment Permit for homeowner association security cameras shall be subject to the following conditions, and any other appropriate conditions necessary to protect the public health, safety, and welfare:
- a. Prior to construction of the fence and/or wall, the owner shall submit to the City an "Indemnification and Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
 - b. Prior to construction of the fence and/or wall, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within ten (10) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.
 - c. Prior to construction of the fence and/or wall, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
 - d. The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
 - e. Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e., underlying right-of- way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of- way.
 - f. The applicant shall comply with all City recommendations and requirements.

CITY COUNCIL POLICY

NUMBER: 31

DATE ADOPTED/AMENDED: 04/16/96 (Amended 01/21/97, ~~and~~ 04/18/00, and 12/20/16)

SUBJECT: Encroachments into the Public Right-of-Way

POLICY:

It shall be the policy of the City Council to follow the procedures outlined in the attached Policy Statement for encroachments in the public right-of-way, as adopted on April 16, 1996, revised on January 21, 1997, ~~and revised again on~~ April 18, 2000, and December 20, 2016.

BACKGROUND:

On April 19, 1996, the City Council reviewed and approved an update of the City policy pertaining to encroachments of structures in the public right-of-way. The changes consisted of augmentation of the then current policy which was approved by the City Council on May 15, 1984, with language pertaining to the encroachment of tract entrance observation structures into the public right-of-way. The City Council has directed that this policy relating to encroachments into the public right-of-way be placed into the City Council Policy Manual.

Amendments were made on April 18, 2000 to streamline the review process for certain types of encroachments into the right-of-way especially for unpermitted structure for which legalization is sought.

Amendments were made on December 20, 2016, to exempt security cameras owned by Homeowner Associations for public safety purposes provided that the location was approved by the Public Works and Community Development Departments.

Attachment: April 16, 1996 Policy Statement for Encroachments into the Public Right-of-Way (Revised January 21, 1997, ~~and~~ April 18, 2000, and December 20, 2016)

**POLICY STATEMENT FOR
IN THE PUBLIC RIGHT-OF-WAY
ADOPTED APRIL 16, 1996 AND
REVISED ON ~~APRIL 18,~~
2000 DECEMBER 20, 2016.**

The City Council approved this policy at its April 16, 1996, meeting, and amended it on January 21, 1997, ~~and~~ April 18, 2000, and December 20, 2016. It should be noted that this policy replaces and supersedes the one adopted by the City Council on May 15, 1984.

The City may permit encroachments of walls, fences, pilasters, and/or observation booths, or similar structures on an individual basis, based on the following criteria:

I. FENCES, WALLS, PILASTERS AND OTHER SIMILAR STRUCTURES IN THE RIGHT-OF-WAY

- 1) All requests for construction of fences, walls, pilasters and other similar structures in ~~within~~ the public right-of-way shall be submitted to the Community Development Department ~~of Planning, Building, and Code Enforcement~~, and shall include the following materials.
 - a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.
 - b) A processing fee as established by resolution of the City Council.
 - c) Twelve (12) copies of plans which clearly show the following:
 - i) A site plan which shows the accurate lot dimensions, property lines, location and dimension of the adjacent public right-of-way, and the location of all easements, if applicable.
 - ii) A site plan indicating the location and dimensions of all existing and/or proposed encroaching walls and/or fences, as well as the distance of all existing and/or proposed encroachments from the adjacent property lines.
 - iii) Section and/or elevation drawings representing the total height of the proposed project, as measured from both the highest and lowest existing adjacent grade.
 - d) Documentation to the satisfaction of the Director of Public Works, that demonstrates the location of the structure relative to the edge of the public right-of-way.
- 2) Fences, walls, pilasters, homeowner association security cameras, and other similar structures which meet the following criteria shall be subject to review and approval by the Director of Community Development ~~Planning, Building and Code Enforcement~~:
 - a) The encroachment is located no more than six feet (6') within the public right-of-way (Note that it is the applicant's responsibility to demonstrate the location of the structure to the

Director of Public Works' satisfaction, which may entail preparation of a survey for some projects);

Encroachment Permit Policy Statement

Revised: ~~April 18, 2000~~December 20, 2016

- b) The base of the encroachment, for each individual pilaster or similar structure, does not exceed two (2) square feet with no single dimension exceeding 24 inches;
- c) The height of the encroachment does not exceed 72 inches including any decorative features and the main structure (excluding decorative features) does not exceed sixty inches (60"), unless it is within a visibility triangle as determined by the Director of Public Works in which case the overall height including any decorative features may not exceed 30 inches;
 - i) If the decorative features are lanterns or some other kind of light source, then the property owner must demonstrate that adequate screening is provided to ensure that there is no direct or indirect illumination of another property other than where the light source is located, that there is no adverse traffic/pedestrian impact, and that all conditions of residential outdoor lighting pursuant to Municipal Code Section 17.56.030 are met.

The Director's decision shall be appealable pursuant to the Appeal procedures of section 17.80 of the Rancho Palos Verdes Municipal Code.

- 3) Fences, walls, pilasters, and other similar structures which meet the following criteria shall be subject to review and approval by the Planning Commission:
 - a) Encroachments of structures more than six feet (6') into the public right-of-way (Note that it is the applicant's responsibility to demonstrate the location of the structure to the Director of Public Works' satisfaction which may entail preparation of a survey for some projects);
 - b) Encroachments of structures, such as pilasters and other similar structures, having a base that exceeds 24" in width or exceeds 2 square feet in footprint area;
 - c) Encroachments serving as bases for decorative features with a combined height that is greater than 72", or a base which exceeds sixty inches (60") exclusive of decorative features.
 - d) Encroachments serving as bases for decorative features (i.e. statuary) that are more than 60" in height, and/or the combined height of a decorative feature and its base that is greater than 72".
 - e) Encroachments of structures with decorative features measuring more than 18" in height;

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- f) Encroachments of structures (including decorative features) or decorative feature/base combinations measuring greater than 30" in height within a visibility triangle.

The Planning Commission may refer a request to the Traffic Committee for recommendation, if traffic safety is involved. The Planning Commission may grant the encroachment, subject to the conditions stated below in Section 5, and any other conditions which the Commission may impose, or deny the encroachment if it fails to meet the criteria stated below in Sections 3 and 4. The Planning Commission decision may be appealed to the City Council, pursuant to the appeal procedures of section 17.80 of the Rancho Palos Verdes Municipal Code.

Security camera encroachments owned by Homeowner Associations may be exempted with approval of the Director of Community Development.

- 4) In granting an Encroachment Permit for fences and/or walls, the Director of Planning, Building and Code Enforcement or the Planning Commission must find the following:
- a) The encroachment is not detrimental to the public health/safety, and that the Public Works Director has made a written determination that the encroachment does not pose a hazard to vehicular traffic, pedestrians, or equestrians; and further that all other requirements for issuance of a Public Works Department encroachment permit are met. The ~~Planning, Building and Code Enforcement~~Community Development -Department review shall be concurrent with the Public Works Department review to the greatest degree possible.
 - b) The encroaching structure ~~can not~~cannot be reconfigured or relocated due to practical difficulties or unnecessary hardship, including economic hardship, so as to either:
 - i) locate the structure on the applicant's property in accordance with provisions of the Municipal Code; or,
 - ii) adhere to the criteria set forth for a Planning Director Level Review .
 - c) The encroaching structure is not inconsistent with the general intent of the Development Code.
 - d) Illuminating elements of the encroaching structure are configured in a manner that minimizes impact to neighboring properties or vehicular traffic, and prevents direct or indirect illumination of a property other than the applicant's, as determined by the Director of ~~Planning, Building and Code Enforcement~~Community Development.
 - e) The encroaching structure does not significantly impair a protected view from any surrounding property.

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- 5) Approval of an Encroachment Permit for a fence and/or wall shall be subject to the following conditions, and any other appropriate conditions necessary to protect the public health, safety, and welfare:
 - a) Prior to construction of the fence and/or wall, the owner shall submit to the City an "-Indemnification and Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
 - b) Prior to construction of the fence and/or wall, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within ten (10) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.
 - c) Prior to construction of the fence and/or wall, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
 - d) The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
 - e) Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e., underlying right-of-way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of-way.
 - f) The applicant shall comply with all recommendations and requirements, if any, required by the City's Planning Commission, Traffic Committee, or Traffic Engineer.

II. OBSERVATION BOOTHS AND SIMILAR STRUCTURES WITHIN THE PUBLIC RIGHT-OF-WAY

- 1) All requests for construction of observation booths or similar structures within the public right-of-way are to be submitted to the Community Development Department ~~of Planning, Building, and Code Enforcement~~, and shall include the following materials.
 - a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.

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- b) Any application for construction of an observation booth or similar structure, shall first be approved by the local Homeowners Association, if any, in accordance with the recorded CC & R's for the Homeowners Association.
- c) The applicant shall be responsible for all costs associated with the application. A minimum Trust Deposit of \$1,000.00 shall be established to cover costs associated with the application. Additional deposits may be required if the costs for processing the application exceed the minimum required deposit.
- d) Twelve (12) copies of plans which clearly show the following:
 - i) A site plan which shows the accurate lot dimensions, property lines, location and dimension of the adjacent public right-of-way, and the location of all easements, if applicable.
 - ii) A site plan indicating the location and dimensions of all existing and/or proposed observation booths or similar structures, as well as the distance of all existing and/or proposed encroachments from the adjacent property lines.
 - iii) Section and/or elevation drawings representing the total height of the proposed project, as measured from both the highest and lowest existing adjacent grades.
- e) Two copies of a "vicinity map", prepared to scale, which shows all properties located within the tract for which the proposed observation booth will serve, as well as all properties located within 500 feet of the tract boundaries. All lots shown on the "vicinity map" shall be numbered consecutively, beginning with the number "one". The "vicinity map" must be prepared exactly as described in the attached instruction sheet.
- f) Two (2) sets of self-adhesive mailing labels and one (1) photocopy of the labels which list the property owner of each parcel which falls within the boundaries shown on the "vicinity map". The name and address of every property owner (including the applicant) and the local Homeowners Association (if any), must be typed on 8-1/2 X 11 sheets of self-adhesive labels (33 labels per sheet). The labels shall be keyed to the consecutive numbers shown on the "vicinity map" as described above. The property owners mailing list must be prepared exactly as described in the attached instruction sheet.

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- 2) All requests shall be subject to review first by the Traffic Committee and then by the Planning Commission. Upon a favorable recommendation by the Traffic Committee, the Planning Commission shall grant the encroachment, subject to the conditions stated below in Section 16, or deny the encroachment if it fails to meet the criteria stated below in Sections 3 through 15, inclusive. The Planning Commission decision may be appealed to the City Council, within fifteen (15) calendar days following the Commission's decision.
- 3) In granting an Encroachment Permit for an observation booth or similar structure, the Planning Commission must find that each of the following conditions exist:
 - a) The encroachment is in the best interest of the City.
 - b) The encroachment is not detrimental to the public health and safety.
 - c) There is no alternative location on private property to accommodate the proposed improvements without encroaching into the City's right-of-way.
 - d) The encroachment has been designed in the safest manner possible.
 - e) The encroachment does not significantly impair the view from the viewing area of any private property as defined in the City's Development Code, nor from an area designated by the General Plan or Coastal Specific Plan to be protected.
- 4) The maximum height limit of observation booths or similar structures located within the public right-of-way shall not exceed twelve (12) feet.
- 5) The observation booth or similar structure shall not exceed a maximum of 120 square feet in area.
- 6) For structures which are attended by an operator, restroom facilities shall be provided within the observation booth.
- 7) All necessary utilities (i.e., cable, electric) shall be located underground.
- 8) All minimum sight distances and turning radii shall be maintained, subject to review and approval by the City's Traffic Committee and engineering consultant.
- 9) All observation booths or similar structures shall be located on a separate, curbed, and landscaped median.

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- 10) No portion of any eave and/or overhang shall extend beyond the edge of the curb of the landscape median, or into any travel lanes. The structure shall be designed to maintain appropriate lateral and overhead clearance to ensure that large and/or high profile vehicles or trucks will not hit the overhangs on the building.
- 11) Protective bollards shall be installed at each corner of the structure to reduce the potential for accidental damage caused by vehicles.
- 12) The observation booth or similar structure shall be compatible with the character and architectural styles of surrounding residences.
- 13) Directional signage only shall be permitted in association with construction of the observation booth or similar structure. Installation of any signs shall be subject to separate review and approval of a Sign Permit. Installation of signs with changeable copy intended to provide general information regarding upcoming events, meetings, etc., shall not be permitted within the public right-of-way.
- 14) Any proposed exterior lighting shall be located on the facade of the building, at a maximum height of ten (10) feet. All exterior lighting shall be shielded and directed downwards to prevent direct illumination of or towards surrounding properties.
- 15) Ingress/Egress vehicle lanes shall be a minimum of eighteen (18) feet wide at the Observation Booth to allow vehicles to pass a stopped vehicle. Wider travel lanes may be required at the discretion of the City.
- 16) Approval of an Encroachment Permit shall be subject to the following conditions:
 - a) The applicant shall comply with all recommendations and requirements, if any, required by the City's Planning Commission, Traffic Committee, or Traffic Engineer.
 - b) Prior to construction of the observation booth or similar structure, the owner shall submit to the City a "Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
 - c) Prior to construction of the observation booth or similar structure, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within sixty (60) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge

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that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.

- d) Prior to construction of the observation booth or similar structure, the owner shall obtain a minimum of one million (1,000,000) dollars liability insurance, naming the City as an additional insured, subject to review and acceptance by the City Attorney. Proof of said insurance shall be provided to the City annually.
- e) Prior to construction of the observation booth or similar structure, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
- f) The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
- g) Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is -benefited by the encroachment (i.e., underlying right-of-way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of-way.
- h) No person and/or vehicle shall be required to present identification nor otherwise be restricted, prohibited, or denied access to any public right-of-way, including but not limited to streets, sidewalks, parks, and/or public trails as a result of construction of any attended or unattended observation booth or similar structure.
- i) Prior to construction of the encroachment, the owner and/or applicant shall submit to the City a Covenant agreeing to assume all responsibility for maintenance and upkeep of the structure.

III. HOMEOWNER ASSOCIATION SECURITY CAMERAS IN THE RIGHT-OF-WAY

- 1) All requests for construction of homeowner association security cameras in the public right-of-way shall be submitted to the Community Development Department, and shall include the following materials.

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- a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.
 - b) Documentation to the satisfaction of the Director of Public Works, that demonstrates the location of the structure relative to the edge of the public right- of-way.
 - c) All fees associated with an encroachment permit for homeowner association security cameras shall be waived.
- 2) The Public Works, Community Development, and Sheriff's Departments will meet with the applicant to evaluate possible locations.
- 3) Security cameras owned by Homeowner Associations shall be exempted from the base size and height limitations described elsewhere in this Policy with the approval of the Director of Public Works and the Director of Community Development.
- 4) In granting an Encroachment Permit for homeowner association security cameras, the Director of Community Development must find the following:
 - a. The encroachment is not detrimental to the public health/safety, and that the Public Works Director has made a written determination that the encroachment does not pose a hazard to vehicular traffic, pedestrians, or equestrians; and further that all other requirements for issuance of a Public Works Department encroachment permit are met. The Community Development Department review shall be concurrent with the Public Works Department review to the greatest degree possible.
 - b. The encroaching structure cannot be reconfigured or relocated due to practical difficulties or unnecessary hardship, including economic hardship, so as to either:
 - i. locate the structure on the applicant's property in accordance with provisions of the Municipal Code; or,
 - ii. adhere to the criteria set forth for a Planning Director Level Review .
 - c. The encroaching structure is not inconsistent with the general intent of the Development Code.
 - d. Illuminating elements of the encroaching structure are configured in a manner that minimizes impact to neighboring properties or vehicular traffic, and prevents direct or indirect illumination of a property other than the applicant's, as determined by the Director of Community Development.
 - e. The encroaching structure does not significantly impair a protected view from any surrounding property.

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Revised: ~~April 18, 2000~~ December 20, 2016

5) Approval of an Encroachment Permit for homeowner association security cameras shall be subject to the following conditions, and any other appropriate conditions necessary to protect the public health, safety, and welfare:

- a. Prior to construction of the fence and/or wall, the owner shall submit to the City an "Indemnification and Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
- b. Prior to construction of the fence and/or wall, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within ten (10) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.
- c. Prior to construction of the fence and/or wall, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
- d. The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
- e. Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e., underlying right-of- way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of- way.
- f. The applicant shall comply with all City recommendations and requirements.

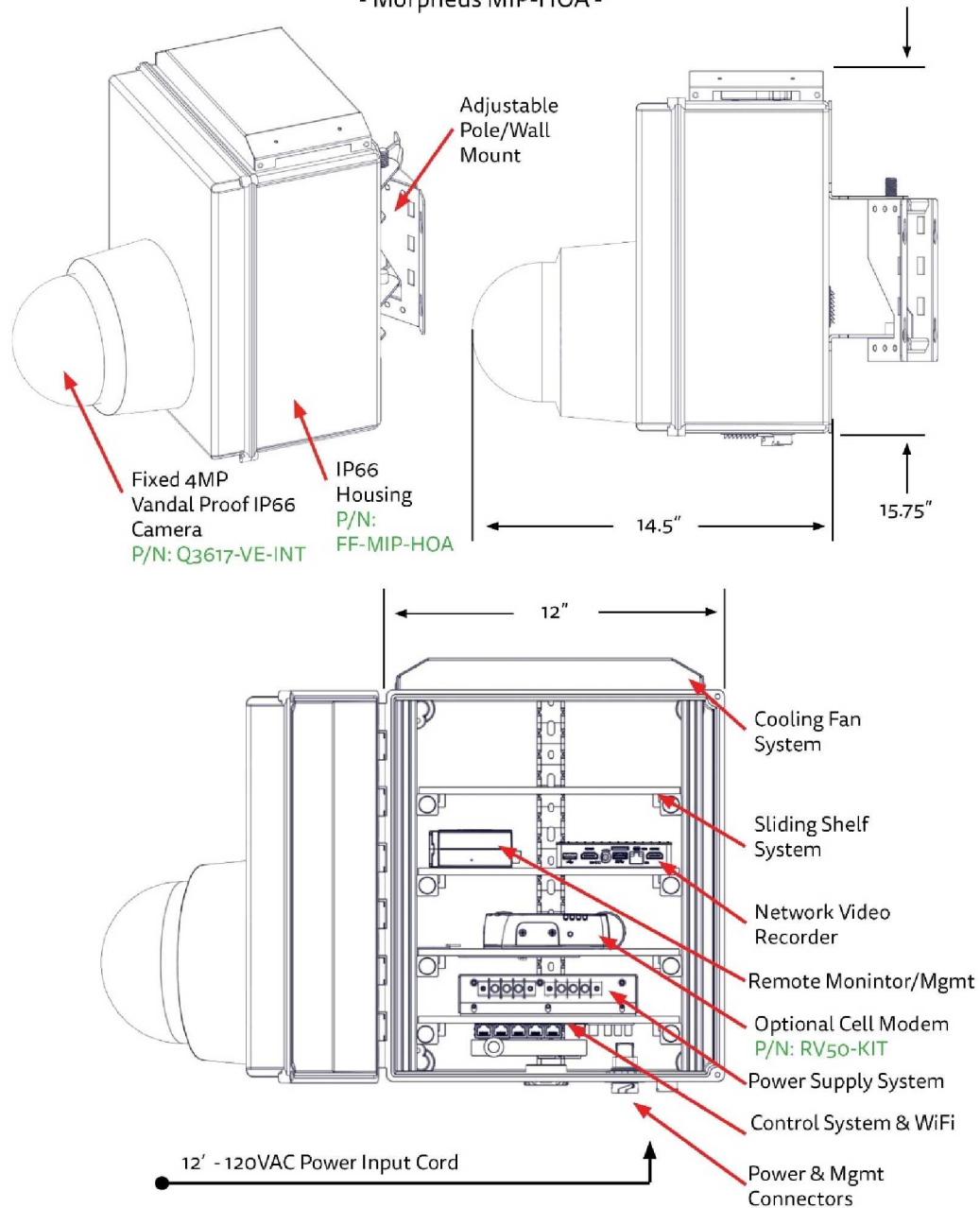
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HOA Security Camera Detailed Comparison

- 1) **Diagram** - A drawing or picture on a single page showing the system components including the sizes of the enclosure, components inside the enclosure, camera and wiring, etc. Please label each component with the part number of the item that equates to the part number in the proposal pricing on page 4.

See Next Page

HOA Camera Overview Diagram
- Morpheus MIP-HOA -



1. System is self-contained, requiring only a single power cable connection
2. System can be disguised to better blend into HOA environment if preferred
3. Fixed dome camera (shown directly integrated to enclosure) may also be mounted as a separate component directly to a pole/wall surface and connected to Morpheus MIP-HOA Housing via a weatherproof Ethernet Cable (Example shown next page)

4. **Pictures** – Images of the installed system or of the individual components as available in order to get a better idea of the aesthetics of the system.

See Next Page



Morpheus MIP Camera Directly Mounted



Camera With Weather Shield



Morpheus MIP Camera Remotely Mounted
Includes Power & Data Wiring

Important Notes About Camera

- Camera is a fixed camera in a dome form factor
- Camera can be mounted to any type of surface up to 300' away from Enclosure
- Camera can be pendant mounted (Dome facing ground)
- Camera is Vandal Resistant
- Camera allows for remote installation setup, enabling slight adjustment & focusing after installation. This results in lower costs due to less physical access requirements for servicing or maintenance
- Camera includes other important capabilities: IP66, Vandal Resistant, 4K, 30fps, 2.2x Optical Zoom, .03 B/W .18 Color Lux, Analytics, Wide Dynamic Range Forensic Capture, Light-finder (better color low light), Image Stabilization, Remote Focus Adjustment.

5. **Warranty, Support and Maintenance Clarification** – Please clarify information such as the warranty term on the system, the support that will be provided, whether the system is monitored by you, the number of visits to repair or check the system functionality and which type of service calls will incur charge and the cost of that charge. Note that overly complex, unclear or incomplete information may lead to confusion with HOA representatives making it hard for them to select your proposal.

- **3 Year Parts & Labor Warranty included in pricing table**
- **3 Years Remote Monitoring & Management included in pricing table**
- **3 Years Obsidian Precision Care Support Services included in pricing table**
- **Routine Maintenance: Recurring physical system maintenance not required. Monitoring systems alert if service is needed, & dome cleaning can be visibly detected and performed on demand, in groups as needed.**
 - **Note: We currently have cameras deployed for more than 5 years before cleaning or onsite physical maintenance is required.**
 - **Cost: Minimum 1 Day Required: includes 2 Technicians & 1 Bucket Truck, 8 - 12 cameras can be accessed in a single day. Cost: \$3000**
- **System Health Monitoring by Obsidian Integration Technicians Via Remote Monitoring and Management Hardware/Software and Obsidian Cloud Services.**
 - **Service or Failure Notification Procedure**
 - **Obsidian Integration Technician Attempts Remote Recovery**
 - **If unresolved; Technician contacts local maintenance staff for WiFi or Local Wireless Reset**
 - **If unresolved; Service Technician is dispatched to site at cost shown in table.**

6. Security Camera Detailed Price – Please complete the spreadsheet adding rows as needed for items or charges.

System Specifications

Required:

- Fixed position camera
- 4 mp or better resolution
- Low Light .1LX or better
- 20 frames per second or more
- 14 day recording capabilities
- Connect to the recorder with wifi
- Date and time stamping
- IP66 or better weatherproof for exposed equipment
- 3 year warranty

Optional:

- Equipment required for cellular connectivity
- Cloud hosted recording solution
- Solar power

Required Equipment	Make and Model	Cost	Notes
Camera	Axis Q3617-VE Kit	1650	Includes Mounting/Cabling Accessories
NVR	Obsidian Edge NVR OE-NVR-M-1TB-XPES	1395	
Enclosure	Morpheus MIP-HOA	1750	Directly Integrated or Separately Mounted Camera Options
EdgeRMM	RMM-3YR	237	Automated Health Monitoring & Management. Email & SMS Alerts
Precision Care Remote	PCR-3YR	1151	Technician Based Advanced Technical Support, Failure Recovery & Notification
Installation Cost	N/A	3000	Per Day Cost, 3 - 5 Systems Can Be Installed. Maintenance Staff Can Easily Install If 120VAC Available. * Note because site details are unknown all pricing shown is worst case scenario and is likely to be reduced based on the scope of each project.
Ongoing Maintenance	N/A	N/A	If required 8 - 12 cameras can be cleaned per day @ \$3000

Optional Equipment	Make and Model	Cost	Notes
Cell Connectivity	Raven RV50 Kit	695	Plug and Play Kit, Cellular Service Not Included.
Cloud Recording	N/A	N/A	Cellular Data Cannot Support 4K Video @ 20FPS Economically
Solar Power	N/A	N/A	Physical Size Incompatible with HOA Deployment Descriptions
Service Call	N/A	\$1500	Only required if remote troubleshooting fails. Past deployments experiences shows less than 0.25% rate of systems requiring service calls over 5 year period.

Ring Doorbell Camera - Original version (regularly \$199) on Left; Pro version (regularly \$249) on right



Ring Stick-Up Cameras

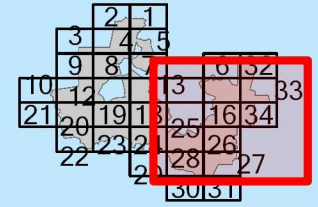
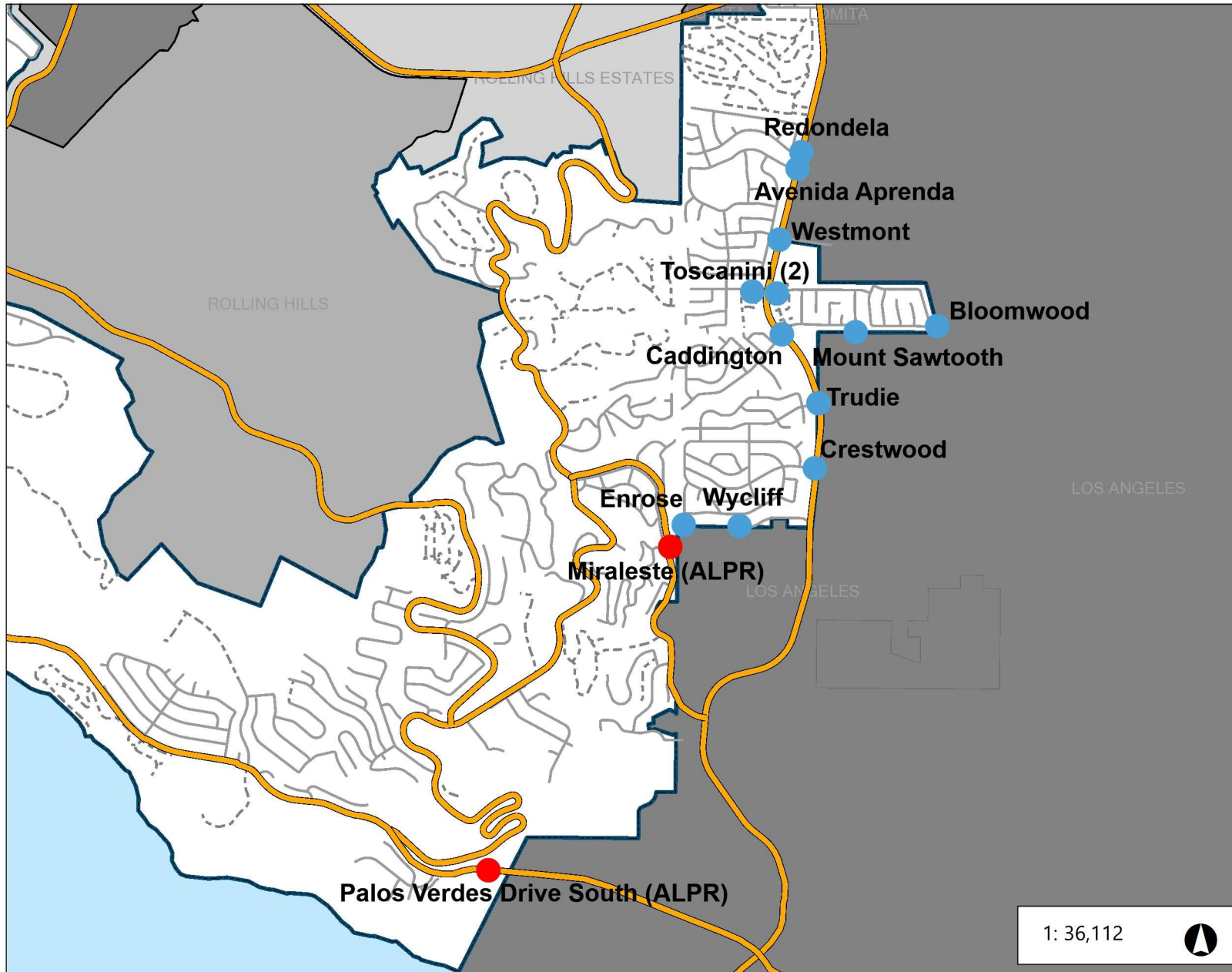


Solar Ray Panel (Optional)



Below is a summary table of the Ring camera offer:

Cost of Equipment (Doorbell or Stick-Up Camera)	\$199/each
Discount from Ring	(\$50)
Match by City`	(\$50)
Storage Cost	\$30/year or \$3/month <i>(Storage is not required but allows the resident to keep alerts and activation videos. Without storage the resident is still alerted and can talk through the camera to people entering their property and receive motion alerts, etc., they just can't keep the video of the alert or activation. The problem without storage is you won't have video of a suspect that may have come to a residence - only the real time alerts to call police).</i>
COST TO RESIDENTS AFTER DISCOUNTS + MATCH	\$100
Term of Offer	Up to cap of \$100,000
Requirements	<ul style="list-style-type: none"> - Devices are both battery operated or can be connected to existing doorbell wiring. <i>(Battery can last several weeks but it is based on activations and triggering of the cameras alerts. With devices connected to doorbell wiring, residents can look and view cameras at any time for "live viewing".)</i> - Device requires a Wi-Fi network to communicate with the Ring server to store video clips and alert resident. - Device requires a smartphone to load the Ring application to get alerts and set up cameras.
Warranty	1 year; Lifetime Theft guarantee
Additions	Ring will provide a Solar Ring Sign (looks like an alarm sign for in front of your house) free of charge (normally \$49)
Options	Additional solar ray available for Stick-Up Camera at additional cost
Upgrade to Ring Pro Doorbell Camera (additional functionality)	Add \$50; Requires doorbell wiring
Installation	Residents have the option of installing it themselves or hiring someone to install the equipment for them. Ring offers installation by a third-party nationwide installer at cost \$59/product and \$35/each additional product; Solar Panels installation included with camera installation.



Legend

- Major Roads
- Street Centerlines (2015)
 - Private
 - Public
- City Boundary

1: 36,112



6,018.7 0 3,009.33 6,018.7 Feet
NAD_1983_StatePlane_California_V_FIPS_0405_Feet

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The information on this map is for reference only and may not be up-to-date. Please contact the City for more information.

Notes